IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1348 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ABDULSAMAD HUSEINKHA KAZI

Versus

AHMADBHAI GAFURBHAI KAZI

Appearance:

MR JA SHELAT for Petitioner

MR NAGIN N GANDHI for Respondent No. 1

MS DS PANDIT, AGP for Respondent No. 2, 3

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 09/03/2001

ORAL JUDGEMENT

Mr.Gandhi for the respondent No.1 states that, the original respondent - Ahmadbhai Gafurbhai Kazi who was the original plaintiff in the suit has died. This court (Coram: S.D.Dave, J) passed the following order on

17.2.1993.:

"When this matter is being called out, the learned advocate Mr.N.N.Gandhi appearing on behalf of respondent makes a statement before the court that the said respondent - Ahmedbhai has expired somewhere in year 1988. Mr.Gandhi also produces a zerox copy of the death certificate issued by the Bhavnagar Municipal Corporation. Looking to the abovesaid factual position the present matter becomes unready for the hearing. The otherside shall take appropriate action to make the matter ready within a period of four weeks hereof."

Till today, no steps are taken for bringing the heirs of the respondent No.1 - original plaintiff on record of the case. Since the deceased respondent No.1 has died and he was the original contesting party, this Civil Revision Application cannot be proceeded on merits as the directions given by this court by its order dated 17.2.1993 have not been complied with. This revision application against the present respondents cannot be proceeded on merits for want of heirs of original plaintiff. Therefore, this revision application is not required to be entertained on merits for want of non-compliance of the order of this court dated 17.2.1993 and since the heirs are not brought on record. This revision application is disposed of accordingly. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

(P.B.Majmudar,J)
(pathan)